



DELAWARE'S

TANF

WORK VERIFICATION PLAN

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Delaware TANF Work Verification Plan

Introduction

This overview of the Temporary Assistance for Needy Families (TANF) Program in Delaware is intended to provide context to the required description of work activities, work-eligible individuals and internal controls that follows and avoid unnecessary duplication. It describes the organizations involved and a brief description of the application, eligibility and service delivery process.

The Delaware Department of Health and Social Services, Division of Social Services (DSS) administers the TANF program, in partnership with other State agencies. The Departments of Labor (DOL), the Delaware Economic Development Office (DEDO), the Delaware Transit Corporation (DTC) and the private sector are engaged to provide job readiness and placement opportunities, health and child care, transportation, the EITC and family services. DSS takes applications for and determines eligibility for diversion assistance, TANF, Food Stamps, Medicaid, child care and other programs and services. All adult caretakers and other work-eligible individuals must participate in employment and training activities, except the following individuals: 1) a parent caring for a child under one year of age; 2) an adult caring for a disabled family member; and 3) an individual determined unemployable by a health care professional.

A TANF caretaker enters into a “Contract of Mutual Responsibility” (CMR) with DSS listing the responsibilities of the family and the supports the State will provide. Family responsibilities include work activities, school attendance and immunization requirements for children, family planning, parenting education and substance abuse treatment requirements. Delaware provides employment-related activities, training, child care, Medicaid, SCHIP, transportation and other needed services. Subsidized child care is provided for families who leave TANF to go to work for a period of two years, as long as family income remains below 200% of the federal poverty level (FPL). To help individuals retain unsubsidized employment beyond two years, Delaware also provides subsidized child care to other low income working families until the family’s income exceeds 200% of poverty. For appropriate individuals deemed unable to work because they are physically or mentally disabled, a referral may be made to the Social Security Administration (SSA) or to the Division of Vocational Rehabilitation.

In establishing and enforcing the “contract”, the DSS case manager has primary responsibility for ensuring that clients understand what is expected of them and convincing them of the need to cooperate. An important element of the process is “coaching” the client to transcend any barriers to meeting “contract” expectations.

DSS expects employable adults to participate in either employment or other activities related to finding work for 30 hours a week for two consecutive weeks prior to TANF benefits being authorized. Payments are retroactive to the first day of the two-week period. Recipients are expected to participate for the minimum required core and non-core hours each week they receive benefits. If they do not, subject to adequate and timely notice, non-complying adults will receive an immediate full-family sanction (currently phased-in). TANF applicants whose case

has been closed for failure to participate must participate in work activities for 4 consecutive weeks at appropriate hours per week for their case to be re-opened. Payments are not retroactive.

The goal of the sanction process is to demonstrate that we are serious about requirements, but also that we are available to help clients become self-sufficient and it is to their advantage to work with us. The sanction process is based on the following guidelines:

- Explain clearly what the client's responsibilities are and what the consequences are for failure to meet these responsibilities;
- Encourage clients to discuss any problems they face in meeting requirements; help them overcome these hurdles; and
- When clients fall short of expectations, make sure they understand which requirement was not met and the consequences of it (cause and effect).

Delaware also operates a Diversion Assistance program intended to help a family through a financial problem which jeopardizes employment, and which, if not solved, could result in the family needing regular, ongoing assistance. The diversion payment may be used for items such as transportation, clothing, tools and equipment, eye glasses, union dues, licenses, testing fees, unpaid child care expenses, and relocation expenses. Ongoing assistance with child care is also available to all working families whose income is under 200% of the FPL.

Employment and Training

DSS, in conjunction with DOL and DEDO, has developed employment and training programs to move TANF clients to economic independence. DOL contracts with private for-profit and non-profit providers and the local community college network to provide job readiness, job placement and retention services to clients. Contractors include community and faith-based social services agencies and organizations offering specialized services. These providers conduct initial and ongoing assessments of client employability, assign appropriate work activities and provide and monitor the services. They are responsible for providing intensive case management to all clients, and for documenting and reporting participation in activities. All contracts are performance-based, paying vendors based on the results achieved. Necessary supportive services, such as physicals, dental and eye exams, corrective lenses, transportation and work-related equipment and uniforms are provided. Employment and training services are provided through two key programs:

Employment Connection (EC) – The objective of the Employment Connection Program is to move recipients into unsubsidized employment, and make it possible for recipients to meet the participation standard for 12 consecutive weeks. A minimum number of appropriate hours of unsubsidized employment are required for the last eight weeks of the period. EC ensures participation in qualified, supervised work activities to achieve these goals.

At the initial orientation and meetings with a case manager, EC vendors provide each client with an assessment, an individual service strategy, and a 4-week schedule of planned activities. Self-directed activities which can be documented may be included to enable participation when unanticipated circumstances prevent the full implementation of the schedule. If possible, an individualized mix of activities is provided to clients to enable them to meet their participation

requirement. Activities should include unpaid work after the first four-week period, in addition to job search done by participants. If an individual has not found employment after four weeks, the client may be placed in a Work for Your Welfare (work experience) activity. Vendors may provide incentives to encourage and reward success and document participation.

Keep a Job (KAJ) – provides employment retention and advancement assistance for up to 12 months to participants who have obtained unsubsidized employment. The goal is to maintain employment, increase wages and achieve long term economic independence. Vendors may provide incentives to encourage and reward success and document participation. Contractors maintain contact with participants, provide economic literacy training, share job leads and opportunities, and help develop a personal plan to achieve economic independence. Suggested plan items include:

- A plan to deal with unanticipated crises;
- A Skills Training Plan to enable economic growth;
- A plan to develop and maintain emotional support systems;
- A plan for back-up child care and transportation;
- A plan to deal with other basic life needs (housing, food, family dynamics, budgeting etc.); and
- An intervention plan to deal with other barriers (drug/alcohol abuse, domestic violence, etc.).

Every client assigned to a work activity has an assigned supervisor -- the employer, the case manager, a work-site supervisor or the DSS case manager. The supervisor for non-employment work activities, like the employer, is responsible for supervising the client's work activities on a daily basis. The supervisor knows what activities are assigned to each client, on what days, and whether the client shows up on time and performs the assigned tasks. The supervisor may not meet with the client every single day, but they are responsible for knowing what the client is doing, assessing progress and problems on a regular basis and providing necessary correction and direction.

The Delaware Client Information System (DCIS II) provides automated support for the programs. An interactive eligibility, benefit issuance, and employment and training management system, DCIS II automates client registration, application entry, eligibility determination, benefit calculation and issuance, and work program tracking for TANF and a wide variety of other programs

Section I. Countable Work Activities

Unsubsidized employment – *a public or private sector job for which the employer receives no grant or allotment to pay either all or a portion of the employee's wages.*

Services/Programs – (See also above.) Delaware's goal is to place adult recipients in a private or public sector unsubsidized job as soon as possible. We create positive incentives for families to become employed, and expect families to accept responsibility to become self-supporting. Employment Connections contractors may recycle through job search those adult recipients who are initially unsuccessful in finding work, and/or place the adult in an alternative work experience, remediation, or a skills training program. A TANF Employer Committee, consisting of representatives of both the public and private sector, assists in placing welfare recipients in unsubsidized jobs and provides advice on direction, policy, and implementation.

Although Delaware operates a program that offers a variety of activities to assist individuals to become self-sufficient, our central concentration is to assist individuals to obtain **unsubsidized work** quickly. For new contracts beginning January 2007, Employment Connection (EC) vendors will be required, after four weeks of participation, to have at least 85% of clients in unsubsidized work for at least 30 hours a week. EC vendors will be able to be paid for the other 15% of clients if they are participating in a combination of 30 hours of activities, including unsubsidized work. Vendors continue to work with clients who have been placed in unsubsidized jobs for 90 days after the employment begins, and continue to receive payments for those clients who remain in unsubsidized work for this period. During this period clients are encouraged to continue 30 hours of employment through the receipt of monetary incentives, including transportation, child care, and store coupons.

After three months in unsubsidized work, clients are transferred from EC to "Keep A Job" (KAJ) vendors, who provide job retention and job enhancement services. If a client loses their job, KAJ vendors are responsible for reemployment. Under the current contract they have one month to help the individual find a new unsubsidized job, but beginning January KAJ vendors are expected to engage individuals within seven days to locate a new job. Payment points have been adjusted accordingly.

As an inducement to clients to increase unsubsidized employment, Delaware is planning to utilize MOE funds under a segregated state program to stop the TANF welfare clock for individuals who are employed at least 30 hours. Currently the clock stops for employment over 25 hours as long as 30 hours of participation has been met but the hourly requirement will be increased to 30 for work as soon as a regulatory change has been implemented.

Projected countable hours – Delaware will project hours of participation based on current, documented, actual hours in paid employment for six month periods of time. The projection will be dependent upon the client's work history. If the client has been employed for more than a month, the total, verified actual hours of work for the most recent month available will be divided by 4.33 to determine the average hours per week that will be reported. If less than a full month of verified employment is available, we will add the total hours of work for the maximum number of complete weeks available, divided by the appropriate number of weeks to determine

the average projected hours. DCIS II will first check the eligibility subsystem to determine if projected hours meet the federally required hours by the type of family. If so, the projected hours will be reported. If the projected hours do not meet the participation requirements by family and child care type, DCIS II will search the employment and training subsystem and report all hours of countable activities. This will ensure that time-limited activities, such as job search and job readiness assistance and vocational educational training are not counted against a client, when the activities are not needed to meet federal requirements.

Documentation of actual hours – Delaware verifies the actual hours of work primarily through client-provided wage stubs which record the actual hours worked. The check stub for the period in question will be attached to an employment verification sheet by the EC contractor. If pay stubs cannot be obtained, we also use TALX (the Work Number®), a leading vendor of automated employment and income verifications used by more than 1,000 employers and social service agencies. If unsuccessful, we request written, signed verification by the employer of the hours worked each week. Some employers provide oral verification, which is recorded and noted by the EC case manager.

Self-employment – To verify income and project hours of participation, Delaware has developed a standard treatment for self-employment income that saves time and avoids worker calculation errors. Our calculation to determine hours of employment is the gross income minus a standard 48% for expenses, divided by the federal minimum wage. This standard deduction was based on a study of the average actual deduction of clients.

Business records and tax returns of the self-employed individual will be used as verification. To verify current gross income vendors attempt to obtain business licenses and quarterly income reports. Where these aren't currently available, vendors attempt to obtain the prior year's tax return to develop a gross income estimate. The actual hours of participation determined above will be projected for six months.

Subsidized private sector employment – *a private sector job for which the employer receives a grant or allotment to pay all or a portion of the employee's wage. Subsidized employment will generally be limited to six to twelve months, unless a longer period is identified in a needs assessment as beneficial.*

Services/Programs – (See unsubsidized employment description.) Currently, Delaware has no clients engaged in subsidized private sector employment. However, in the future we may offer any one of the three models identified in the interim final TANF rule:

1. Work supplementation where some or all TANF funds that would otherwise be paid as assistance are paid to a private sector employer;
2. A third-party contractor, such as a temporary staffing agency, serves as employer of record and is paid a pay-for-performance fee to cover salary, expenses and success in placing employees; and
3. Private sector employers are paid to provide supported work for individuals with disabilities in an integrated setting.

Projected countable hours – Delaware will project hours of participation based on current, documented, actual hours in paid employment for six month periods of time. The projection will be dependent upon the client’s work history. If the client has been employed for more than a month, the total, verified actual hours of work for the most recent month available will be divided by 4.33 to determine the average hours per week that will be reported. If less than a full month of verified employment is available, we will add the total hours of work for the maximum number of complete weeks available, divided by the appropriate number of weeks to determine the average projected hours. DCIS II will first check the eligibility subsystem to determine if projected hours meet the federally required hours by the type of family. If so, the projected hours will be reported. If the projected hours do not meet the participation requirements by family and child care type, DCIS II will search the employment and training subsystem and report all hours of countable activities.

Documentation of actual hours – Delaware verifies the actual hours of work to be projected primarily through client-provided wage stubs which record the actual hours worked. If pay stubs cannot be obtained, we also use TALX (the Work Number®), a leading vendor of automated employment and income verifications used by more than 1,000 employers and social service agencies. If unsuccessful, we contact the subsidized employer to obtain written verification of the hours worked each week. Some employers provide oral verification, which is recorded and noted by the EC case manager. An alternative methodology will be to use employer-developed forms requesting reimbursement based on the number of hours wages were paid to the subsidized worker.

Subsidized public sector employment – *a public sector job for which the employer receives a grant or allotment to pay all or a portion of the employee’s wage. Subsidized employment will generally be limited to six to twelve months, unless a longer period is identified in a needs assessment as beneficial.*

Services/Programs – (See unsubsidized employment description.) Currently, Delaware has no clients engaged in subsidized public sector employment. During the upcoming year, we may offer two of the three models identified in the interim final TANF rule:

1. Work supplementation where some or all TANF funds that would otherwise be paid as assistance are paid to a public sector employer; and
2. Public sector employers are paid to provide supported work for individuals with disabilities in an integrated setting.

Projected countable hours – Delaware will project hours of participation based on current, documented, actual hours in paid, subsidized employment for six month periods of time. The projection will be dependent upon the client’s work history. If the client has been employed for more than a month, the total, verified actual hours of work for the most recent month available will be divided by 4.33 to determine the average hours per week that will be reported. If less than a full month of verified employment is available, we will add the total hours of work for the maximum number of complete weeks available, divided by the appropriate number of weeks to determine the average projected hours. DCIS II will first check the eligibility subsystem to determine if projected hours meet the federally required hours by the type of family. If so, the projected hours will be reported. If the projected hours do not meet the participation

requirements by family and child care type, DCIS II will search the employment and training subsystem and report all hours of countable activities.

Documentation of actual hours – Delaware verifies the actual hours of work to be projected primarily through client-provided wage stubs which record the actual hours worked. If pay stubs cannot be obtained, we also use TALX (the Work Number®), a leading vendor of automated employment and income verifications used by more than 1,000 employers and social service agencies. If unsuccessful, we contact the subsidized employer to obtain written verification of the hours worked each week. Some employers provide oral verification, which is recorded and noted by the EC case manager. An alternative methodology will be to use employer-developed forms requesting reimbursement based on the number of hours wages were paid to the subsidized worker.

Work experience – *Work for Your Welfare is a work experience activity for families with employable adults where the adult has not found employment or has lost a job. Families applying for TANF who do not secure unsubsidized employment within four weeks of job search may enter this activity. Placements in unpaid positions are for the express purpose of providing clients with the experience of work so they may acquire the general skills, training, knowledge, and work habits necessary to obtain employment.*

Services/Programs – After the initial job search period, adult TANF applicants can only receive benefits if they are employed, participate in a Work For Your Welfare position or another federally recognized participation component for at least 30 hours a week. Individuals participating in Work for Your Welfare are considered an “employee” under the Fair Labor Standards Act (FLSA) and are compensated at Delaware’s minimum wage, which is currently \$6.15 an hour but will soon increase to \$7.15 per hour.

Single parent households assigned to a work experience activity are required to participate up to 30 hours per week. To meet the minimum wage requirements of the FLSA, the actual hours of participation are determined by dividing the TANF and Food Stamp benefits by the Delaware minimum wage. The hours are then combined and divided by 4.33 to determine the maximum number of work experience hours that can be required. If the maximum allowable hours exceed 30 hours per week, participants must complete only 30 hours. If the maximum allowable hours are less than 30 hours per week, participants are to complete this number of work experience hours, but, must make up the difference needed to meet the 30 hour participation requirement with other countable activities.

Two-parent families assigned to a work experience are treated exactly the same as described for single parents, except for the changes in the number of “core” and total hours required to participate. Two parent families must participate 35 hours per week (or 55 hours per week if federal child care is provided). Preferably one of the parents will participate a minimum of 30 hours per week, and the remaining five or 25 hours may be met by either or both parents. Just like single parents, the number of work experience hours required is determined by dividing the TANF and Food Stamp benefits by the Delaware minimum wage. The hours are then combined and divided by 4.33 to determine the maximum number of work experience hours that can be required. When the maximum allowable work experience hours do not meet the appropriate 35

or 55 hour requirement, two-parent families must make up the difference in other countable work activities.

Although Delaware does not limit the time of clients in a work experience activity, regular monitoring by vendors assures that the activity is contributing to future employment. In addition, after 6 months of participation in a work experience activity, vendors assess the appropriateness of continued use of work experience.

Countable hours – Delaware will report actual hours of participation in work experience slots. When the maximum allowable hours in work experience is less than the “core” 20, 30 or 50 hour requirement, the difference will be counted as “deemed hours” and added to the participant’s actual hours of participation in all activities. Expected hours for this and other activities will be shown on the Individual’s Service Strategy (ISS) along with acceptable timeframes for completion. Actual attendance and participation is recorded on a weekly log at the worksite and signed by the worksite supervisor.

Documentation of actual hours – Delaware verifies the actual hours of clients assigned to work experience through contractor and/or worksite time and attendance sheets. Either the worksite will provide these directly or the client will be required to submit the documentation provided by the worksite to the vendor. Weekly attendance sheets are required. Documentation that contains a live signature is preferred.

Supervision – All recipients assigned to work experience sites are supervised by the contractor and work site employer on an ongoing basis no less frequently than daily. Clients are provided a four-week schedule of activities and meet with their case managers at least weekly and, at these weekly meetings they are required to report and document activities which are not performed on site.

On-the-job training (OJT) – *placement of participants in a paid position for the purpose of providing them specific training to learn a specific job skill that provides knowledge and skills essential to the full and adequate performance of the job.*

Services/Programs – (See unsubsidized employment description.) Currently, Delaware has no clients engaged in OJT. However, in the future we may offer OJT as a component.

Projected countable hours – Just as in unsubsidized employment, Delaware will project hours of participation based on current, documented, actual hours in paid OJT for six month periods of time. The projection will be dependent upon the client’s work history. If the client has been employed for more than a month, the total, verified actual hours of work for the most recent month available will be divided by 4.33 to determine the average hours per week that will be reported. If less than a full month of verified employment is available, we will add the total hours of work for the maximum number of complete weeks available, divided by the appropriate number of weeks to determine the average projected hours. DCIS II will first check the eligibility subsystem to determine if projected hours meet the federally required hours by the type of family. If so, the projected hours will be reported. If the projected hours do not meet the participation requirements by family and child care type, DCIS II will search the employment and training subsystem and report all hours of countable activities.

Documentation of actual hours – Delaware verifies the actual hours of work to be projected primarily through client-provided wage stubs which record the actual hours worked. The check stub for the period in question will be attached to an employment verification sheet by the EC contractor. If pay stubs cannot be obtained, we also use TALX (the Work Number®), a leading vendor of automated employment and income verifications used by more than 1,000 employers and social service agencies. If unsuccessful, we request written, signed verification by the employer of the hours worked each week. Some employers provide oral verification, which is recorded and noted by the EC case manager.

Nature of Training – Delaware currently does not utilize OJT or subsidized employment as components. If subsidized employment and OJT are later used we will amend this Plan to describe the nature of training that distinguishes OJT from subsidized employment.

Job search and job readiness assistance means assisting participants in their efforts to seek employment that is appropriate with their education, skills, and abilities; helping participants obtain the life skills necessary to prepare for the world of work, e.g., time management skills, socializations skills, stress management skills; preparation to seek or obtain employment, including substance abuse treatment, mental health treatment, or rehabilitation activities for those who are otherwise employable.

Services/Programs – At application, DSS social workers provide intake to applicants, determine potential TANF eligibility, assess employability and develop a Contract of Mutual Responsibility (CMR) with clients, and discuss child care. Initial eligibility is based on income at application. Once eligible, a family receives larger income disregards and is entitled to “fill-the-gap” budgeting. The Family Development Profile, CASIS, or other assessment tools are used to identify possible barriers to employment and self-sufficiency. Non-employable clients, with demonstrated barriers to work, are referred to appropriate remedial services. All other potentially eligible clients are referred to an EC or KAJ vendor for orientation, case management and other self-sufficiency services.

Employment Connection vendors provide job search/job readiness services to applicants for two-weeks prior to the determination of TANF entitlement. Work-mandatory individuals must participate in this up-front component in order to receive TANF benefits. When benefits are authorized they are paid retroactively back to the date that the individual began their two full weeks of participation. The two-week up-front job search program is also used for 16 and 17 year old applicants who are not in school. The first session usually takes place on the day of intake or the following day. To ensure that child care is available immediately, Delaware has a vendor that, if necessary, assists individuals find day care.

Job search/job readiness includes orientation, development of the Individual Service Strategy (ISS), work readiness, and life skills training as well as job search. In addition, Delaware uses this component to attempt to expunge criminal records, a very useful activity for obtaining a job. Unless applicants find work during the initial two-week period, most eligible TANF adults continue their job search/job readiness activities with their EC vendor, but some may be assigned to work experience or community service.

Vendors closely monitor job search/job readiness and know that they must find another activity if the individual hasn't found a 30-hour job within the first four weeks of job search/job readiness activities. The new EC contracts will require that vendors utilize the services of a job developer to assist clients, and will expand the current practice of holding job fairs.

Delaware plans to count hours, rather than weeks, for part-time participation in job search/job retention components. Most individuals will participate full time (30 hours a week) in job search/job readiness during the first few weeks in the program. Thus, the conversion factor for counting part-time job search will be 30 hours for a week and 30×4.33 (130 hours) for four consecutive weeks. After that initial full-time push, we will use job search only as a part-time activity. Part-time job search will permit Delaware to maintain its focus on unsubsidized work. For example, when individuals are participating in work experience or community service, we intend to require participation in job search so that the necessity of obtaining unsubsidized work is clear. A one-day a week job search requirement will be counted as six hours, and will permit us to keep clients focused on getting a job. [ACF may want to consider an alternative policy – whereby part-time job search is counted by both ACF and Delaware as 30 hours of participation. This would provide equity since, if ACF charges a week for one day of job search, Delaware should be able to take credit for the full week]

Delaware does not count the first partial week of job search. Moreover, even where job search is used as a part-time activity, Delaware will only count the job search if it is needed for countable participation.

Clients who have found a job of at least 30 hours a week remain with their EC vendor for 90 days after the job begins. During the 90 day period, vendors will provide retention services and will assist their clients who lose their jobs to obtain new positions. After 90 days, clients continuously employed at least 30 hours a week are transferred to “keep a job” (KAJ) vendors, who assist them with job retention and, if appropriate, to search for a better job. The KAJ vendors will also provide job search services for clients who lose a job. KAJ vendors are required to follow their clients for 12 months, and to continue to offer services beyond the 12 month period if an individual who remains eligible for TANF requests continuing services. The majority of individuals served by KAJ are not receiving a TANF check.

Countable hours – Delaware will report actual hours of participation in job search/job readiness activities. Clients are provided a four-week schedule of activities and meet with their vendor case managers at least weekly. At these weekly meetings, they are required to report activities which are not performed on site. Expected hours for this and other activities will be shown on the individual's ISS, as will acceptable timeframes for completion.

Documentation of actual hours – Client attendance at on-site sessions three days a week are verified through vendor time sheets. Other activities are reported by clients to their case managers during weekly meetings. Clients submit a job log which includes a signed timesheet. Vendors must provide a notation that a review has been completed for reasonableness and whether the log/timesheet has been accepted. Attendance in job readiness classes will be documented through attendance sheets signed by the trainer and the client. Documentation that contains a live signature is preferred.

Supervision – Clients are supervised daily during both the up-front and any continuing job search assignments. Clients are provided a four week schedule of activities which requires individuals to be on-site at east three days a week, which will include specific activities when not on-site, and which requires clients to report on activities when not on site. The schedule will target periods for job search, both on-site and off-site. The current assumption is that each job contact takes an hour but a more specific schedule is being developed. The schedule will specify job readiness classes and both group and individual job search activities. In addition, EC case managers meet with clients at least once a week.

Substance abuse case management and treatment – At application and each redetermination, CAGE questions are asked to identify substance abusers for referral to appropriate services. In addition, employment contractors may determine that an individual has a substance abuse problem. Individuals who may be in need of substance abuse treatment and case management are referred to Delaware’s Bridge provider for assessment. Bridge providers have on staff licensed and certified health care professionals who make the decision as to whether treatment is needed. If treatment is warranted, the Bridge contractor will refer the individual to appropriate licensed and certified service providers, who will be paid by Medicaid. The EC or KAJ contractor will be required to obtain and report the treatment hours. In addition, individuals may be sent to Alcohol anonymous (AA) or Narcotics Anonymous (NA), and time spent with AA and NA will be credited.

Delaware defines “employable” as the ability to engage in activities necessary to acquire and retain a job, at a wage level at least equal to the minimum wage; an employable person is physically and mentally able to participate in employment or activities necessary to seek and obtain employment, e.g. job search, job training, job readiness, etc. While an individual is employable, the receipt of benefits is time-limited. Only “employable” individuals are assigned to work activities, so all clients assigned to substance abuse treatment, mental health treatment, or rehabilitative activities are by definition “otherwise employable.”

Six week/12 week limitation – As a “needy State,” Delaware is currently eligible to use a total of 12 weeks of job search/job readiness in a year, but not more than 4 consecutive weeks. We are developing a system modification to track the number of weeks (or conversion hours) of job search to ensure that the system will not count more than the allowable number of job search weeks/hours. In addition, the new contract for EC providers will specify that they are responsible for limiting the initial job search period to no more than four consecutive weeks.

We have not yet determined how the automated tool for controlling the total job search period will need to work because of the variation that may occur in the total job search weeks permitted in a year. We are still attempting to determine how such a tool will work when the period of total job search allowable as a “needy State” is a month-to-month decision, and the decision is not officially known until well after the month has ended. Since Delaware’s Food Stamp caseload continues to grow and our 12 week eligibility has continued for a significant number of months, our initial process may have to assume that the 12 weeks is applicable.

Community service programs – *structured programs and embedded activities in which TANF recipients perform work for the direct benefit of the community under the auspices of public or nonprofit organizations. A county, city or town within the State or any State or public agency or private nonprofit organization may provide community service programs that serve a useful public purpose.*

Services/Programs – Although Delaware is not currently placing individuals in community service components, we intend to begin such placements where appropriate. Recipients shall be assigned to perform only such work as they are able to perform and shall not perform work on projects which will result in the displacement of regular workers. Reasonable standards of health, safety and other conditions applicable to the performance of such work shall be established and maintained for all projects. Participants shall be afforded reasonable opportunities to seek regular employment. Our community service programs are designed to improve the employability of recipients not otherwise able to obtain employment, and will be supervised on an ongoing basis no less frequently than daily. Delaware will take into account, to the extent possible, the prior training, experience, and skills of a recipient in making appropriate community service assignments. As with work experience, community service placements will be reviewed every six months.

Countable hours – Delaware will report actual hours of participation in community service programs. Expected hours for this and other activities will be shown on the individual's ISS, as will acceptable timeframes for completion. Where possible, the client will obtain verification of the work hours from the community service site (e.g. school, church, neighborhood association). The vendor will utilize community resources to develop an estimate of hours for community service where site verification is not possible (e.g. scout leader). The vendor will accept the client provided hours if the hours determined by independent research are similar to the hours provided by the client.

Documentation of actual hours – Delaware verifies the actual hours of clients assigned to community service programs through documentation provided by the work site or through the client provided estimate where this has been authenticated through independent research. The client will be required to provide this documentation received from their work site to their vendor case manager. Documentation that contains a live signature is preferred.

Supervision – All recipients assigned to community service programs are supervised by the sponsoring community organization or a case manager no less frequently than daily. Clients are provided a four-week schedule of activities and meet with their vendor case managers at least weekly and, at these weekly meetings they are required to report activities which are not performed on site.

Positions subject to FLSA – FLSA deeming will be used where there is an employer/employee relationship (e.g. the individual is performing structured activities for a school). (See work experience for an explanation of how countable "deemed" hours will be determined and reported.) If the activity is strictly voluntary, such as serving as a scout leader, we will count only actual hours, but they will be credited as core hours.

Self-initiated community service – Delaware vendors will accept self-initiated community service as a work activity if it can be found that the activity will provide skills that lead to employment. Although the skills learned in community service may not focus on a specific unsubsidized job, the structure provided by the experience and the need to appear on time for specific functions may be enough to make the determination that the community service meets the criteria.

Vocational educational training (not to exceed 12 months with respect to any individual) means organized educational programs that are directly related to the preparation of individuals for employment in current or emerging occupations requiring training other than a baccalaureate or advanced degree.

Services/Programs – State recognized providers of vocational educational training (VET) include local and community colleges, vocational schools, approved state-recognized providers, and non-profit providers funded by the Workforce Investment Board (WIB) system. State regulations require that all educational activities approved for TANF participation must be “vocationally” useful.

Individuals already registered and participating in an acceptable education/training program under the Work Investment Act when they apply for TANF benefits are permitted to continue with their program. If the program meets the VET requirements, individuals will be assigned VET as their core activity.

Individuals participating full-time in educational activities, based on the standards established by the institution, must participate in additional work-related activities, to equal 20 actual participation hours. Although it may vary based on the expectations of the institution, most institutions expect one and one-half hours of homework for each credit hour taken, so an individual with 12 credit hours and 8 work activity hours will have 20 hours of core activities and 18 hours of supervised homework hours, well over the 30 hours needed for full participation.

Countable hours – Delaware will report actual hours of participation in vocational educational training activities. Expected hours for this and other activities will be shown on the individual’s ISS, as will acceptable timeframes for completion. Credit hours are established from school records. Delaware then obtains from the institution a weekly report advising whether the student is regularly attending classes and whether they are performing satisfactorily. These are used to determine class attendance. The number of supervised homework hours is determined and verified as described below, and added to credit hours.

If a recipient is attending training or a program that does not have a designated credit hour, a determination of the number of hours must be made by the vendor in consultation with the trainer. In addition, the amount of study time required for this training will have to be determined independently by the contractor. This will be reported in the Delaware Client Information System (DCIS II) Employment and Training sub-system.

The DCIS II systems clock is being programmed to ensure that VET is not reported for more than 12 months in a client’s total time on TANF.

Documentation of actual hours – Delaware verifies the actual hours of clients assigned to vocational educational training activities through the process described above, which provides verification of hours of attendance, participation, and satisfactory progress. Documentation of attendance and satisfactory progress will be signed by the training agency/work location and the trainee. Activity hours must be entered into DCIS II weekly and these hours will also be entered on the Division of Employment and Training (DET) Attendance Summary sheet. A DET monthly participation timesheet (currently being developed) will be used for this purpose. Documentation that contains a live signature is preferred.

Supervision – All recipients assigned to vocational educational training activities are supervised no less frequently than daily through the process described above and below.

Embedded Activities – Delaware will ensure through discussions and the review of curricula that basic and remedial education and English as a Second Language (ESL) are of limited duration and a necessary or regular part of our counted vocational education training activities.

Homework – Delaware proposes 1.5 hours of study time for each credit hour, if the vocational education or training class requires homework and study time to be completed outside of class time. For example, a 3-credit course would equal 7.5 hours of participation, 3 hours of attendance and 4.5 hours of homework. No less frequently than weekly, the case manager or contractor will check on the homework assigned, completed products, comprehension of assigned readings and time spent with the recipient. Progress will also be regularly assessed through graded products, grades and discussions with the educational institution. The student must be in good standing as it relates to attendance and achievement as defined by the program the student is attending.

All homework time must be supervised and our procedures for supervision are:

- the acceptable homework process will be stipulated in the Individual Service Strategy (ISS) plan;
- clients will be contacted at least weekly and homework assignments will be discussed during these weekly sessions. In addition, the client must provide a time sheet or other document showing what they did and this information will be entered in case notes;
- Delaware currently obtains from the institution a weekly report advising whether the student is regularly attending classes and whether they are performing satisfactorily;
- a column will be added to the weekly report indicating whether the student turned in assignments that were due.

If a recipient is attending training or a program that does not have a designated credit hour, a determination of the amount of study time required for this training will have to be made independently by the contractor. This will be reported in the DCIS II Employment and Training sub-system. No less frequently than weekly, the contractor case manager will check on the homework assigned, completed products, comprehension of assigned readings and time spent with the recipient. Progress will also be regularly assessed through graded products, grades and discussions with the educational institution. The student must be in good standing as it relates to attendance and achievement as defined by the program the student is attending.

Job skills training directly related to employment means training or education for job skills required by an employer to provide an individual with the ability to obtain employment or to advance or adapt to the changing demands of the workplace.

Services/Programs – For the most part, individuals in job skills training directly related to employment will be in short-term skills training programs similar to those utilized by WIA. In addition to other kinds of job skills training directly related to employment, Delaware may place individuals in this component if they are participating in a vocational certificate program that lasts more than one year, and they have already used up their one year of VET eligibility. For example, some nursing certificate programs last two years.

Countable hours – Delaware will report actual hours of participation in job skills training directly related to employment activities. Expected hours for this and other activities will be shown on the individual's ISS, as will acceptable timeframes for completion. Credit hours established from school records will be utilized where the job skills training is offered by an educational institution. Delaware will then obtain from the institution a weekly report advising whether the student is regularly attending classes and whether they are performing satisfactorily. These are used to determine class attendance. The number of supervised homework hours is determined and verified as described below, and added to credit hours.

If a recipient is attending training or a program that does not have a designated credit hour, a determination of the number of hours will be made by the vendor in consultation with the trainer. In addition, the amount of study time required for this training will have to be determined independently by the contractor. This will be reported in the DCIS II Employment and Training sub-system.

Documentation of actual hours – Delaware verifies the actual hours of clients assigned to job skills training activities through the process described above, which provides verification of hours of attendance, participation, and satisfactory progress. Documentation of attendance and satisfactory progress will be signed by the training agency/work location and the trainee. Activity hours must be entered into DCIS II weekly and these hours will also be entered on the Division of Employment and Training (DET) Attendance Summary sheet. A DET monthly participation timesheet (currently being developed) will be used for this purpose. Documentation that contains a live signature is preferred.

Supervision – All recipients assigned to job skills training activities are supervised no less frequently than daily through the processes discussed above and below.

Homework – Delaware proposes 1.5 hours of study time for each credit hour, if the education or training class requires homework and study time to be completed outside of class time. For example, a 3-credit course would equal 7.5 hours of participation. No less frequently than weekly, the case manager or contractor will check on the homework assigned, completed products, comprehension of assigned readings and time spent with the recipient. Progress will also be regularly assessed through graded products, grades and discussions with the educational institution. The student must be in good standing as it relates to attendance and achievement as defined by the program the student is attending.

All homework time must be supervised and our procedures for supervision are:

- the acceptable homework process will be stipulated in the Individual Service Strategy (ISS) plan;
- clients will be contacted at least weekly and homework assignments will be discussed during these weekly sessions. In addition, the client must provide a time sheet or other document showing what they did and this information will be entered in case notes;
- Delaware currently obtains from the institution a weekly report advising whether the student is regularly attending classes and whether they are performing satisfactorily;
- a column will be added to the weekly report indicating whether the student turned in assignments that were due.

If a recipient is attending training or a program that does not have a designated credit hour, a determination of the amount of study time required for this training will have to be determined independently by the contractor. This will be reported in the DCIS II Employment and Training sub-system. No less frequently than weekly, the contractor case manager will check on the homework assigned, completed products, comprehension of assigned readings and time spent with the recipient. Progress will also be regularly assessed through graded products, grades and discussions with the educational institution. The student must be in good standing as it relates to attendance and achievement as defined by the program the student is attending.

Education directly related to employment, in the case of a recipient who has not received a high school diploma or a certificate of high school equivalency means education related to a specific occupation, job, or job offer.

Services/Programs – While not frequently used, Delaware and its providers offer a variety of courses designed to provide the knowledge and skills needed for employment. These include adult basic education and ESL courses, and GED when needed for specific occupations. If the DCIS II field asking the level of educational attainment shows that the individual has received a high school diploma or a GED, the recipients will not be put in Education directly related to employment. In addition to reviewing the DCIS II information, the vendor also asks the client whether they have a degree or diploma and if the answer is yes, this component will not be used.

The vendor case manager will be monitoring the student on at least a weekly basis so we will know early on whether there are problems that need to be addressed in order for the individual to make satisfactory progress.

Countable hours – Delaware will report actual hours of participation in education directly related to employment. Expected hours for this and other activities will be shown on the individual's ISS, as will acceptable timeframes for completion. Credit hours established from school records will be utilized where the education is offered by an educational institution. Delaware will then obtain from the institution a weekly report advising whether the student is regularly attending classes and whether they are performing satisfactorily. These are used to determine class attendance. The number of supervised homework hours is determined and verified as described below, and added to credit hours.

If a recipient is attending training or a program that does not have a designated credit hour, a determination of the number of hours must be made by the vendor in consultation with the trainer. In addition, the amount of study time required for this training will have to be determined independently by the contractor. This will be reported in the DCIS II Employment and Training sub-system.

Documentation of actual hours – Delaware verifies the actual hours of clients assigned to education directly related to employment through the process described above, which provides verification of hours of attendance, participation, and satisfactory progress. Documentation of attendance and satisfactory progress will be signed by the training agency/work location and the trainee. Activity hours must be entered into DCIS II weekly and these hours will also be entered on the Division of Employment and Training (DET) Attendance Summary sheet. A DET monthly participation timesheet (currently being developed) will be used for this purpose. Documentation that contains a live signature is preferred.

Supervision – All recipients assigned to education directly related to employment activities are supervised no less frequently than daily through the process discussed above and below.

Good or satisfactory progress – We will find that the individual has made satisfactory progress where the school indicates that this has been the case. If a specific statement from the school is not available, we will judge progress to be satisfactory if information provided by the institution shows that the individual has attended at least 85% of classes and has received a passing grade.

Homework – Delaware proposes 1.5 hours of study time for each credit hour, if the education or training class requires homework and study time to be completed outside of class time. For example, a 3-credit course would equal 7.5 hours of participation. No less frequently than weekly, the case manager or contractor will check on the homework assigned, completed products, comprehension of assigned readings and time spent with the recipient. Progress will also be regularly assessed through graded products, grades and discussions with the educational institution. The student must be in good standing in attendance and achievement as defined by the program the student is attending.

All homework time must be supervised and our procedures for supervision are:

- the acceptable homework process will be stipulated in the Individual Service Strategy (ISS) plan;
- clients will be contacted at least weekly and homework assignments will be discussed during these weekly sessions. In addition, the client must provide a time sheet or other document showing what they did and this information will be entered in case notes;
- Delaware currently obtains from the institution a weekly report advising whether the student is regularly attending classes and whether they are performing satisfactorily;
- a column will be added to the weekly report indicating whether the student turned in assignments that were due.

If a recipient is attending training or a program that does not have a designated credit hour, a determination of the amount of study time required for this training will have to be determined independently by the contractor. This will be reported in the DCIS II Employment and Training

sub-system. No less frequently than weekly, the contractor case manager will check on the homework assigned, completed products, comprehension of assigned readings and time spent with the recipient. Progress will also be regularly assessed through graded products, grades and discussions with the educational institution. The student must be in good standing as it relates to attendance and achievement as defined by the program the student is attending.

Satisfactory attendance at secondary school or in a course of study leading to a certificate of general equivalence, in the case of a recipient who has not completed secondary school or received such a certificate means regular attendance, in accordance with the requirements of the secondary school or course of study, at a secondary school or in a course of study leading to a certificate of general equivalence, in the case of a recipient who has not completed secondary school or received such a certificate.

Services/Programs – Teen parents are required to attend school, work, or participate in the employment and training activities. Elementary, secondary, post-secondary, vocational, training school, and participation in a GED program meet participation requirements for the month and are the equivalent to work. If a teen parent is not attending one of the above types of school or working for 30 hours a week, they must participate in employment and training activities for 30 hours a week.

Countable hours – Delaware will utilize a number of methods to report actual hours of participation in satisfactory attendance at secondary school. Expected hours for this and other activities will be shown on the individual's ISS, as will acceptable timeframes for completion. Credit hours established from school records will be utilized where the job skills training is offered by an educational institution. Delaware will then obtain from the institution a weekly report advising whether the student is regularly attending classes and whether they are performing satisfactorily. These are used to determine class attendance. The number of supervised homework hours is determined and verified as described below, and added to credit hours.

If a recipient is attending training or a program that does not have a designated credit hour, a determination of the number of hours will be made by the vendor in consultation with the trainer. In addition, the amount of study time required for this training will have to be determined independently by the contractor. This will be reported in the DCIS II Employment and Training sub-system.

Documentation of actual hours – Delaware verifies the actual hours of clients assigned to education directly related to employment through the process described above, which provides verification of hours of attendance, participation, and satisfactory progress. Documentation of attendance and satisfactory progress will be signed by the training agency/work location and the trainee. Activity hours must be entered into DCIS II weekly and these hours will also be entered on the Division of Employment and Training (DET) Attendance Summary sheet. A DET monthly participation timesheet (currently being developed) will be used for this purpose. Documentation that contains a live signature is preferred.

Supervision – All recipients assigned to satisfactory attendance at secondary school activities are supervised no less frequently than daily through the process discussed above.

Good or satisfactory progress – We will find that the individual has made satisfactory progress where the school indicates that this has been the case. If a specific statement from the school is not available, we will judge progress to be satisfactory if information provided by the institution shows that the individual has attended at least 85% of classes and has received a passing grade.

Homework – Delaware proposes 1.5 hours of study time for each hour of attendance, if the class requires homework and study time to be completed outside of class time. No less frequently than weekly, the case manager or contractor will check on the homework assigned, completed products, comprehension of assigned readings and time spent with the recipient. Progress will also be regularly assessed through graded products, grades and discussions with the educational institution. The student must be in good standing as it relates to attendance and achievement as defined by the program the student is attending.

All homework time must be supervised and our procedures for supervision are:

- the acceptable homework process will be stipulated in the Individual Service Strategy (ISS) plan;
- clients will be contacted at least weekly and homework assignments will be discussed during these weekly sessions. In addition, the client must provide a time sheet or other document showing what they did and this information will be entered in case notes;
- Delaware currently obtains from the institution a weekly report advising whether the student is regularly attending classes and whether they are performing satisfactorily;
- a column will be added to the weekly report indicating whether the student turned in assignments that were due.

If a recipient is attending a school or program that does not have expected standards of homework, a determination of the amount of study time required for this training will have to be determined independently by the contractor. This will be reported in the DCIS II Employment and Training sub-system. No less frequently than weekly, the contractor case manager will check on the homework assigned, completed products, comprehension of assigned readings and time spent with the recipient. Progress will also be regularly assessed through graded products, grades and discussions with the educational institution. The student must be in good standing as it relates to attendance and achievement as defined by the program the student is attending.

Providing child care services to an individual who is participating in a community service program means providing child care to enable another TANF recipient to participate in a community service program.

Services/Programs – Although Delaware does not currently have any individuals providing child care service to other TANF recipients participating in community service activities, we might decide to include this activity in the future. If so, we will at that time describe how we will operate this component.

Countable hours – Delaware would report actual hours of participation in providing child care services to an individual who is participating in a community service program. Expected hours for this and other activities will be shown on the individual's ISS, as will acceptable timeframes for completion. If and when Delaware decides to utilize this component we will provide additional information, if necessary.

Documentation of actual hours – If and when Delaware decides to utilize this component we will provide information to determine how the activity hours will be documented. Documentation that contains a live signature will be preferred.

Supervision – If and when Delaware decides to utilize this component we will provide information to determine how the activity hours will be supervised no less frequently than daily.

Section II. Hours Engaged in Work

Excused Absences – As required by 45 CFR § 261.62, Delaware proposes the following for our holiday and excused absence policy for unpaid work activities. For recipients who are unable to participate during hours for which they were scheduled, Delaware proposes to excuse scheduled hours with respect to the following official twelve recognized annual State holidays:

- New Year's Day
- Martin Luther King Jr. Day
- President's Day
- Good Friday
- Memorial Day
- Independence Day
- Labor Day
- Columbus Day
- Veterans' Day
- Thanksgiving Day
- Day After Thanksgiving
- Christmas Day

In addition, the State provides a holiday for Election Day on even years, and grants Sussex County a one-half day official State holiday for the day after Election Day. We also propose to excuse as a holiday any Governor-declared “state of emergency” for the county or locality, either where the client resides, or where assigned to participate. All of these holidays will be granted to both unpaid and paid work participants. We will extend the holiday days to paid recipients because newly employed individuals, low-wage, hourly, part-time, and temporary workers often do not receive pay for holidays, even though the employer’s place of business is closed and the individual is not permitted to work.

We also propose to count excused absences for hours missed for a maximum of an additional 10 days in any 12-month period, no more than two of which may occur in any one month. We will only count an excused absence as actual hours of participation for periods in which the individual is scheduled to participate in an allowable work activity. We are proposing a conversion of days-to-hours approach based on the 10 allowable days representing 2 full-time work weeks of 40 hours a week or a total of 80 hours. We will use 80 hours as the excused absence total permitted for all clients. We note that the preamble to the June 29, 2006 regulation allows 10 days of excused absence “...based on required hours of 20 or 30 hours per week in non-paid work”, and our policy will be to permit the full 80 hours of excused absences to clients required to participate 20 or 30 hours.

Because the “excused absence” policy in the interim final rule applies to “individuals,” we propose to excuse and count 80 hours for each work-eligible individual in a 2-parent family. This recognizes the fact that the excused absences must cover the needs of two separate participating individuals, each of whom would be entitled to their own allocation of sick and vacation hours if leave were being granted in the labor market.

We also propose to extend our excused absence hours to recipients in both unpaid activities and paid employment for the same reasons as discussed for holiday hours. Many of our employed clients, particularly in low-paying, hourly wage jobs, also lack paid holiday, sick or annual leave to address closures, illness, or other emergencies. Even those who may be eventually eligible for some excused leave days are usually not eligible when they first begin a job. We propose to extend our holiday and excused absence policy to these individuals. We will only count the paid hours of employment for individuals whose employer has paid leave for such situations.

To control the usage of excused absence hours, a DCIS II system change request has been initiated that will not permit more than 16 hours or two days in a month to be counted; and no more than 80 hours or 10 days will be used in a 12-month period.

FLSA Deeming

Individuals participating in work experience and in some community service activities are considered “employees” under the Fair Labor Standards Act (FLSA). They are compensated at Delaware’s current minimum wage of \$6.15 per hour which will soon increase to \$7.15 per hour. Single parent households assigned to work experience or a community service activity subject to FLSA are required to participate in appropriate activities for 30 hours per week. To meet the minimum wage requirements of the FLSA, the actual hours of participation in work experience are determined by dividing the TANF and Food Stamp benefits by the Delaware minimum wage. The hours are then combined and divided by 4.33 to determine the maximum number of work experience hours that can be required. If the maximum allowable hours exceed 30 hours per week, participants must complete only 30 hours. If the maximum allowable hours are less than 30 hours per week, participants are to complete this required number of work experience hours, but must make up the difference needed to meet the 30 hour participation requirement with other countable activities.

Two-parent families assigned to Work for Your Welfare are treated exactly the same as single parents, except for the total hours required to participate. Two parent families must participate 35 hours per week (or 55 hours per week if federal child care is provided). One of the parents must participate a minimum of 30 hours per week, and the remaining five or 25 hours may be met by either or both parents. Just like single parents, the number of work experience hours required are determined by dividing the TANF and Food Stamp benefits by the Delaware minimum wage. The hours are then combined and divided by 4.33 to determine the maximum number of work experience hours that can be required. When the maximum allowable work experience hours do not meet the appropriate 35 or 55 hour requirement, two-parent families must make up the difference in other countable work activities.

Delaware will report actual hours of participation in work experience and community service activities subject to the FLSA. Due to the minimum wage, when the maximum allowable hours in these activities is less than the appropriate “core” 20, 30 or 50 hour requirement, the difference will counted as “deemed hours” and added to the participants actual hours of participation in all activities.

EXAMPLE: The TANF grant amount for mother and child is \$270. Divided by the minimum wage (\$6.15), this equates to 43 hours per month (we always round down to the nearest whole number) that the participant must work. The Food Stamp allotment amount is \$224. Divided by \$6.15, this equals 36 hours per month. Combined, this equates to a maximum of 79 hours per month that the mother can be required to participate in work experience. Divide the 79 monthly hours by 4.33 (the average number of weeks per month) to arrive at a weekly participation requirement of 18 hours per week. So the participant must engage in Work for Your Welfare activities for 18 hours per week, and also participate in an additional 12 hours of approved employment related activities.

For purposes of Federal reporting in this single parent case (assuming the requirements were met), Delaware will report the actual 18 hours of work experience, 2 hours of “deemed” work experience, and 12 hours of other countable activities.

Delaware certifies that the State has adopted a “mini” Simplified Food Stamp Program in order to count the value of food stamp benefits and will use the TANF work experience or community service program as the Food Stamp Workfare Program.

Delaware is developing a system change to permit DCIS II to calculate FLSA deeming. Both a system and a code change will be required to make this possible. To count “deemed” hours an employer/employee relationship must exist making the activity subject to the FLSA minimum wage requirements. We recognize that not all community service will qualify because in some situations an employer/employee relationship does not exist. When we add community service to our activity components we will provide careful instructions to vendor staff as to when FLSA requirements apply and deeming can be used.

Section III. Work-Eligible Individuals

The following material provides specific information on how we identify work-eligible individuals, as defined at §261.2. It describes the steps we are taking to include drug felons and other non-recipient parents, and to change our policy and process for excluding parents with a child under the age of one. We provide our plans and process to handle the new exemption of parents caring for a disabled family member. We also show how we identify and exclude from the definition of work-eligible individuals:

- minor parents who are not the head-of-household or the spouse of the head-of-household;
- ineligible aliens; and
- recipients of SSI and Social Security disability benefits (SSDI).

DSS Social Workers enter case characteristic information into the eligibility module of DCIS II to determine whether an adult or minor child is head-of-household and whether they are work-eligible. This information is stored in the DCIS II eligibility tables and displayed on the DCIS II screens to be reviewed by the workers for accuracy. This is the process used to identify minor parents who are not head of household or spouse of head of household. For example, if “parental role” is answered “yes”, and “source age” and “reference age” are less than 18, then the minor parent is the head-of-household. Similarly, after proper verification, workers determine and code for all assistance categories whether an adult is an ineligible alien. DCIS II then uses this determination to exclude the individual from the denominator of the participation rate.

Currently Delaware only exempts a parent with a child under 13 weeks of age. DCIS II has the ability to switch clients from exempt to participation status after the 13 weeks period. We have published draft regulations to change this policy to exempt a parent from mandatory participation for up to 12 months, but to permit voluntary participation. When the regulation is approved, we will change this switching mechanism to activate at 12 months. We will also be attaching an automatic clock to DCIS II that will track the 12-month lifetime exemption. Then, we will count in both the numerator and the denominator individuals with children under one year of age who are meeting the 20 hour participation requirement. This can be done by searching the system for the correct DCIS II codes, which currently distinguish between parents with young children who meet the 20 hour requirement and those who don’t. A system change is being designed that will check the date of birth of the youngest child, to extend the 20 hour policy to age six.

Delaware will exempt from mandatory participation adults caring for disabled family members, including SSI or otherwise disabled children who are not attending school full time. We plan to eliminate from the denominator cases where an adult is caring for an SSI or other disabled child, or another disabled household member. For example, an adult may be caring for a disabled spouse. We are developing detailed policy and procedures for DSS Social Workers to determine whether a parent caring for a disabled family member should be excluded. We will for example, determine whether the current Delaware definition of “disabled” will need to be amplified in order to provide workers with enough information, and what specific documentation will be needed to substantiate the disability. Our new policy will specifically define “disabled”, “family member”, and “attending school full time”.

- DCIS II already has the ability to identify and separate cases with a disabled adult since

Delaware places such cases in a special non-time-limited program.

- If the disability is only temporary, the worker sets up a review date in DCIS II.
- Since this is a new exemption category, we are also reviewing the revised federal reporting requirements to determine where this exemption should be shown; and will amend our reporting process to accommodate this change.

A DCIS II systems change will be made to include any non-excluded, non-recipient parent living with a child receiving assistance, including drug felons, fugitive felons and probation and parole violators, persons who have fraudulently misrepresented residence to obtain assistance and teen parents not attending school or living in adult supervised settings in the denominator for calculating Delaware's work participation rate. While we have very few cases in these categories, the change is currently being designed. These parents will be referred to regular EC contractors for work services and countable hours of participation will be included in the numerator.

We do not have other categories of non-recipient parents living with a child receiving assistance. Delaware currently does impose partial sanctions -- a one-third reduction for the first sanction and a two-thirds reduction for a second sanction -- in addition to a third (lifetime) full-family sanction. We do not, however, exclude the adult from the case because of a sanction or because of a time limit. Thus, all work-mandatory adults remain in the case. Delaware is changing our sanction process to move immediately to a full-family sanction that only lasts one month if the adult complies. We also do not exclude the needs of the parent, when families reach the time limit.

DCIS II already identifies and excludes the needs of SSI recipients from the TANF grant. We intend to continue to exclude SSI adults from mandatory work participation. We also refer disabled clients who may be eligible for SSI to SSA and/or to Vocational Rehabilitation. We also encourage them to attempt work activities.

- We obtain new information of SSI eligibility through the weekly SDX data exchange or third-party query to SSA.. The appropriate eligibility action codes are updated to amend the DCIS II payment blocks.
- Delaware intends to file amended data reports to retroactively exclude from the denominator disabled adults who have been found eligible for SSI or SSDI. We will either use SSA approval information provided to the state and/or the client or SDX records to make these adjustments.

Delaware has made a systems change so that exemptions for pregnancy are ended after the pregnancy should have ended. We understand that pregnant individuals are included in the denominator.

Delaware currently does not have an automated tool to identify victims of domestic violence who have been determined not to be able to currently participate in work activities. Such individuals are mandatory participants and are included in the denominator for determining participation. We are creating a code to identify and report "federally recognized good cause domestic violence waivers" for individuals under §260.55 so that if we are ever penalty liable, we will be able to exclude them from the denominator under §261.51(b)(7), in order to obtain penalty relief if the

state is unable to meet work participation requirements with such individuals included.

In addition to the procedures described under the work activities and above, we verify and ensure the accuracy of reporting of work-eligible individuals on the separate TANF Data Report and the SSP-MOE Data Report in a variety of ways. First, and foremost, social worker/case managers are expected, at intake and each redetermination, to collect, verify and properly record the appropriate information in DCIS II. First line supervisors coach and train to ensure that these responsibilities are met, and review 20 cases per month in their unit to ensure that information is correctly entered and documented. All joint TANF/Food Stamp cases are included in the quality control (QC) system and independently reviewed for accuracy. Information is additionally verified and updated through IEVS computer matches, and matches with the State Directory of New Hires. We will match with the NDNH as soon as DCIS II can track and report the results of actions taken.

In addition to the Federal system edit checks, the following information provides some of the DCIS II system checks and edits which are used to ensure the proper identification and reporting of TANF and SSP families on the appropriate reports..

Family information is entered throughout the month by workers into the DCIS II system. A monthly process run selects TANF families by status (open, TANF, absent parent, and parents provided benefits outside of TANF). (Two-parent families currently receiving SSP benefits outside of TANF requirements may be switched to a solely State funded (SSF) program in the future.)

Participation status and the value of work activity hour fields 49-60 (the federally mandated 12 activities) are used to determine the TANF (primarily single-parents) and SSP (two-parent) participation rate. This is calculated and reviewed on a monthly basis. DCIS II will not count work participation hours that are not included in those designated fields. If no hours are recorded for the employment categories, the system checks the wage windows for employment. If a two-parent family is receiving either TANF or SSP, DCIS II checks the child care funding field to determine the required hours of participation. Based on the funding coding, DCIS II automatically determines whether the two-parent family must meet a 35 hour or a 55 hour participation requirement. When available, State MOE funding is always used for two-parent families. The information is stored in the DCIS II child care services activity hour table (field 17).

Our current process excludes families from the two-parent rate where one of the parents is disabled. DCIS II identifies the 2-parent family in the eligibility subsystem, with a code of TAF. The report program then searches for information in the disability window of the eligibility subsystem. If an individual is marked in the window as disabled and unable to work, the case will be reported in the TANF report and not the SSP report.

The following describes some of the procedures and controls that Delaware uses to ensure that, for each work-eligible individual, it accurately inputs data into the automated data processing system, properly tracks the hours, and accurately reports countable hours to HHS that do not include participation in an activity that does not meet a Federal definition:

- Supervisory reviews will ensure that information in DSS case records are correct and consistent and that information from case records is entered correctly in DCIS II. Supervisors are required to review 20 cases each month. In addition, Delaware's Food Stamp corrective action plan requires that 100% of all Food Stamp applications and recertifications and cases with income or shelter changes be reviewed by a special staff. Since most TANF cases are also Food Stamp eligible, the Food Stamp review will be another way to discover erroneous case and DCIS II information.
- The new RFPs being issued for EC and KAJ contracts to be effective in January, 2007 will include mandates for frequency of contact that meet federal requirements.
- Vendors are required to timely collect documentation of participation and maintain it on-site in their contract files. The preferred documentation sources are check stubs provided by the client. Where the client hasn't provided check stubs, the vendor will attempt to verify hours of employment through TALX or through the employer. However, the vendor is permitted to sanction clients who fail to provide available check stubs where verification cannot be provided by the employer.
- Delaware's contracts with vendors are "pay for performance" and a major payment factor is client employment. Since vendors cannot receive payment until they report documented employment data, they have an incentive to obtain documentation timely. However, for a new job, there is always a lag and data for that job may not be received until the following month.
- Invariably some individuals obtain employment and leave welfare without providing detailed employment information to either their DSS worker or vendor. Delaware will attempt to obtain documentation from these individuals and use the New Hires directory to determine if these individuals were employed over 30 hours a week while still receiving TANF. Using these tools, we will periodically submit corrected reports that contain additional employment information.
- Vendors are required to collect documentation in support of DOL's monthly internet reporting process. Documentation of hours is collected prior to activity hours being entered into either the DOL system or DCIS II. The hours input into the DOL system are reviewed and validated against the DCIS II hours monthly. Vendors are well aware of documentation requirements since they are detailed in the RFPs to which potential contractors respond.
- Vendors currently enter work activities in DCIS II using either the workfare or activity windows. To ensure that activities are correctly entered and reported, the system is being redesigned so that beginning in October all participation activities will be entered in the activity window.
- To ensure that vendors are reporting activities to the correct federal category, Delaware is reformulating employment activities in DCIS II to exactly match the federal categories. In addition, current vendors will be retrained on reporting in September and October, with specific training on correct data entry. This new training will also reinforce the difference between core and other participation activities, so that we are assured that clients are placed in at least 20 hours of core activities. New vendors will be fully trained on system reporting requirements when they are selected for January, 2007 implementation. DCIS II is already programmed to differentiate between core and non-core activities, so when contractors enter the activity information, DCIS II correctly places it in a core or non-core category. In addition to training, vendors will be given a

desk aid containing definitions for each category.

- Delaware is also developing program changes to DCIS II to track excused absences, so only permitted absences are utilized.
- Employment Connection and Keep a Job vendor performance is regularly monitored by the Delaware Department of Labor (DOL) which issues the contracts and oversees the vendors. Monthly performance is shared and validated with contractors. Bi-monthly on-site reviews focus on the review of documentation of performance/participation hours and vendor achievements. Quarterly review meetings with the TANF team include a review of performance against goals, and full program reviews are conducted at least once a year.
- To ensure that correct data are reported to the DCIS II employment and training system by vendors, DOL matches the data reported to DCIS II with data vendors must report to the separate DOL data base. Although only the total hours have been checked in the past, DOL will now begin to match breakdowns of total hours into activities.
- No data validity issues were raised on the last single audit of the TANF program.

Section IV. Internal Controls

Delaware has established a wide variety of internal controls designed to ensure efficient and effective operations, compliance with applicable Federal and State laws and regulations, and complete and accurate data reporting. Our internal controls also include reasonable measures to safeguard and prevent unauthorized access to or use of personal information. Delaware staff at all levels, from top management to line staff, assume responsibility for developing and maintaining internal control activities that meet these objectives. The following provides a general description of the components and key principles of our internal control system.

At the heart of our internal controls is a culture that supports and sustains excellence, individual responsibility and competence, and organizational recognition and support for doing the job right the first time – the key to any effective internal control system. Our position descriptions, initial and ongoing training and supervisory guidance and reviews clearly define every employee's duties and decision-making responsibility, authority and flexibility. Internal control is the responsibility of every employee and is both an explicit and implicit part of everyone's job. Personnel are also responsible for communicating problems in operations, noncompliance with codes of conduct, policy violations and illegal actions. We have developed effective policies for hiring, training, evaluating, counseling, advancing, compensating and disciplining personnel that recognize that our most critical asset is human capital.

A second key to our internal control system is a continuous process of review and improvement. We have developed both internal and external committees and groups designed to identify impediments to achieving our goals and objectives. Community partner involvement runs the gambit from participating in project planning and implementation to membership on an initiative's advisory/oversight council. Examples of such initiatives include Wilmington's HOPE subsidized housing project, the Delaware Ecumenical Council's rural outreach project, the Division of Vocational Rehabilitation's employment efforts with people with disabilities and a Offender Re-entry initiative. When deficiencies and risks are identified, we involve both key staff and affected outside organizations and groups. The Social Services Advisory Council, comprised of educators, health professionals, religious and community-based leaders, advocates and government officials appointed by the Governor provides ongoing advice on improving Delaware's social programs.

Our continuous improvement process also includes the findings and corrective actions associated with internal management reviews, single State audits, and Federal reviews and oversight.

In addition to outstanding human capital resources and our continuous improvement, we have established appropriate policies and control mechanisms to help achieve our goals. In financial areas, duties are appropriately segregated. Physical controls exist to limit access to buildings and equipment. Proper authorization is required to access records and documentation. Special procedures limit physical and electronic access to our information systems computers, networks and user environments. Security planning and control is built into our data center operations, systems software acquisition and maintenance. Input transactions must be properly authorized and are processed with edits and controls to ensure that the data is valid and complete.

Our information sharing system includes measures to ensure that employees are kept aware of unit goals and objectives, how they are to be accomplished, and who is responsible for the specific tasks to accomplish them. Supervisors and administrators receive reports and the information needed to monitor progress toward goal accomplishment.

Delaware completed a massive automation enhancement effort and redesign of DCIS II. DCIS II is an interactive eligibility and benefit issuance system that automates client registration, application entry, eligibility determination, benefit calculation and issuance, and work programs for cash, Medicaid, SCHIP, child care and Food Stamp programs. It provides automated program and information support to the State and local level and provides on-line, real-time communications between DSS and Employment Connections contractors. Delaware implemented a new employment and training subsystem into the Delaware Client Information System (DCIS II) which can track referrals, hours of participation and sanctions and provides greater accountability and tracking of participants. DSS provides automated referral of employable, work-eligible individuals to EC contractors, and these vendors in return can send alerts and case notes to DSS case managers and enter hours of work participation into the system.

The Division of Employment and Training (DET) in DOL also maintains a separate Internet Reporting System to track activities, outcomes and vendor performance. Data include: provider, client name, client number, referral date, enrollment date, by week – type and hours of activities, weekly hours, and case close date. Several edits are built into the system to prevent incorrect reporting to DCIS II, including checks for example, to ensure that reported participation equals or exceeds the participation requirements for the all family rate. For both EC and KAJ vendors, performance payments depend on accurate and timely documentation in DCIS II and the DOL system. To ensure this condition is met, no less frequently than quarterly, DOL staff sample cases to ensure data reporting is complete and properly documented. A comparison of data between DCIS II and the Internet Reporting System is also regularly made on hours of participation, referrals, enrollment, sanction requests, and exits. Failure to maintain 100% accuracy may, at the discretion of DET require the contractor to provide documentation supporting every performance item, or other appropriate corrective action.

Our supervisory and management review and oversight include monitoring the effectiveness of our internal controls. Regular and periodic reviews of performance standards and the reconciliation of management information data are included in the duties of these staff. When deficiencies are identified, internally or through external audit or review, they are evaluated and corrected. While our internal oversight plays an important role in assessing the effectiveness of our internal control systems, we also rely on external auditors and Federal reviews to bring an independent and objective view. Other outside parties, such as legislators, clients and the news media, also provide critical information to help us improve internal controls.

As an example, a social worker/case manager supervisor is expected to review 20 cases each month in their unit, using an eight page case review document. For all income, resources, child care, shelter, utility costs, and child support, the supervisor must compare multiple sources of information and determine that the information in DCIS II is appropriately verified, and that income is appropriately disregarded and correctly recorded. The supervisor also checks to ensure

that a self-sufficiency plan is completed and followed, that the employment and training work list is current, that sanctions were timely and accurate, that alien status and all relationships are verified, etc. The performance standard for each supervisor is a 95% accuracy rate or higher for the team. The supervisor must conduct regular unit meetings and worker conferences to exchange information, review policy, problem solve and plan. The supervisor must also ensure that staff follow policy and procedures, and properly interpret State and Federal rules. Performance plans are in place for the case worker, supervisor, office administrator and chiefs that describe the role of each in meeting goals and adhering to internal controls. All of these help to ensure that information in DSS case records are correct and consistent and that information from case records is entered correctly in DCIS II.

Another internal control tool is the “alert” system in DCIS II. The system automatically generates alerts to notify the case manager that a disability review is due or that a child is turning one year of age. Alerts may also be forwarded from the EC vendor requesting that a sanction be taken due to noncompliance. These alerts must be acted on within specified timeframes. If action is not taken appropriately, the alert reappears and also bumps up to the supervisor’s alert list. If not acted on, the alerts will bump up to the Operations Administrator.

In addition, Delaware’s Food Stamp corrective action plan requires that 100% of all Food Stamp applications and recertifications and all cases with income and shelter changes be reviewed by a special staff. Since most TANF cases are also Food Stamp eligible, the Food Stamp review will be another way to discover erroneous case and DCIS II information.

These internal control mechanisms are used in combination to ensure that work activities are accurately recorded, documented, verified and properly reported. System edits, interfaces and supervisory and contract monitoring identify and reduce transcription and coding errors, data omissions, computational errors, and compilation errors. They are also used to isolate electronic systems and programming errors. Here are a few examples of system edits, or consistency checks that help prevent incorrect data from being reported. A date field edit prevent the entry of future dates, or individuals older than specified. The enumeration match with SSA discovers problems with names associated with a specific SSN and questionable dates of birth. There are gender edits in both the household relationship window and the Medicaid fields. The ACF data reporting system also contains useful edits and generates error reports. With recent programming changes and validation improvements, Delaware now has few errors when reporting participation data.

As another example, to ensure that work participation report items are internally consistent, a review team recently checked the reported data of select cases against the DCIS II screen for those cases. We were somewhat surprised to identify a handful of miscoding and programming errors that resulted in cases being reported under the wrong activity. For this reason, the activities and sub-activities will be more clearly defined, training provided on coding and programming corrected by January 1, 2007. After the corrective action has been implemented, further reviews will be conducted to validate the data reported to HHS. [See Part III and Part V for additional specific procedures and controls that Delaware uses to ensure that data is accurately input into DCIS II, not only for including each work-eligible individual, but for all countable hours of participation.]

Annually, Delaware State Auditors review every program in DSS, so they are also validating information in case records and DCIS II. Such verification reviews include family composition, medical status, income, resources, child care, shelter, utility costs, child support, etc.

Delaware is currently not using sampling and estimation techniques in data validation. The State reports on the universe of cases included in Federal reporting and holds staff or contractors accountable for documenting participation in all cases.

As required, Delaware will document and maintain all pertinent findings produced through its internal control processes. These finding will be available for use by ACF or other auditors in their review of the State's work participation verification system.

Section V. Verification of Other Data Used in Calculating the Work Participation Rates

Data Inconsistencies: To ensure “complete and accurate” data reporting, Delaware records in the case record and maintains supporting documentation and verification of the information in the file. The data is also entered into DCIS II. As described in Parts III and IV, the data is reviewed and monitored for accuracy and the system includes edits and consistency checks to minimize errors.

The procedures below prevent and reduce inconsistencies between the following data elements used in calculating work participation rates:

- Reporting Month – Data are collected and entered into the system by month. Any subsequent corrections or updates override the prior entries. The “reporting” program automatically extracts data by reporting month.
- Stratum – Not used, as Delaware reports universe data, rather than based on sampling.
- Case Number – The unique identifier is assigned and extracted by DCIS II.
- Disposition – All reported cases have a disposition code of “1” which means data collection was completed.
- Type of Family for Work Participation – At intake and each redetermination, household composition is determined, verified, entered into DCIS II and coded by type in accordance to Federal requirements. Through the end of fiscal year 2006, two-parent cases were aided in a separate State program and not included in the participation rate calculation. Therefore, only two codes have been recently used: 1) family included only in overall rate; and 3) Family excluded from both the overall and two-parent participation rates. We are making the necessary programming changes to properly code two-parent families with a child in common as code 2) Two-parent family included in the overall and two-parent participation rate. We are also making the necessary changes to identify and include “work-eligible” parents in child-only cases that are newly added to participation requirements and to exclude families with a disabled family member.
- Amount of Food Stamps Assistance – The amount is extracted from the Food Stamp file in the DCIS II eligibility subsystem.
- Receives Subsidized Child Care – DCIS II checks the child care subsystem to determine whether child care is authorized. If so, the system checks the child care payment (funding) tables for appropriation codes. Federally funded codes get a value of “1”, State-funded, a value of “2”, otherwise they are coded a “3”.
- Amounts of TANF (and SSP-MOE) Assistance – The amounts are extracted from the TANF file in the DCIS II eligibility subsystem by single-parent or two-parent type.
- Family Affiliation Code – Codes are reported for both adults and children, based on the verified relationships in the eligibility subsystem. Eligible adults or children receiving assistance are coded “1”, a “2” is used for parents of a child receiving assistance, “3” is the code for a caretaker relative receiving assistance, “4” is used for a minor sibling receiving assistance, and a “5” is the code for none of the above.
- Non-custodial Parent Indicator – Non-custodial parents are not included in the grant. Therefore, all adults are coded “2” meaning the non-custodial parent does not live in the same household.
- Date of Birth (Adult) – Date is verified and is a required field entry into DCIS II. The 100% review of Food Stamp applications and redeterminations and all cases with income

and shelter changes also identify entry errors in joint Food Stamp/TANF cases.

- Relationship to Head-of-Household – Relationship is verified and is a required field entry in DCIS II.
- Parent with Minor Child -- At intake and redetermination, household composition is determined, verified, entered into DCIS II and coded by type in accordance to Federal requirements.
- Work-Eligible Individual Indicator -- We are making the necessary policy, training and programming changes to identify and include “work-eligible” parents in child-only cases that are newly added to participation requirements.
- Date of Birth (Child) -- Date is verified and is a required field entry into DCIS II. Our initiative to reduce errors with a 100% review of joint Food Stamp/TANF cases will identify and correct entry errors.

Work Participation Status: At intake and redetermination, case managers capture, verify and enter the data necessary to breakout TANF families with a work-eligible individual related to special conditions of participation:

- To ensure that a family is not disregarded from the work participation rate for more than 12 months per lifetime based on being a single custodial parent with a child less than one year of age, DCIS II will be programmed with a system clock that counts the months of such assistance, with a 12-month limit..
- Delaware is implementing an immediate full-family sanction if a work-eligible individual refuses to participate in work activities and will not claim a disregard for these families.
- DCIS II contains the data to ensure that a family counted for participating in work activities at least 20 hours meets the requirements as a single custodial parent or caretaker relative with a child under age six. Relationship is verified at intake and entered into the system. The eligibility subsystem requires a verified date of birth (DOB) for each child. DCIS II will check the DOB field to ensure that the youngest child has not reached the age of six and that participation meets the requirements to count.

As we have always done, Delaware will respond to any inconsistencies identified by the ACF data entry and transmission system. All inconsistencies will be analyzed, errors will be corrected and the data will be re-submitted. Based on the Federal participation rate parameters used by ACF, we will compare our data with ACF’s calculation of rates.